

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

ORIGINAL
FILE

In re the Applications of) MM Docket No. 92-106
JEFFERY SCOTT) File No. BPH-910213ME
EICHER COMMUNICATIONS, INC.) File No. BPH-910213MF
For Construction Permit for)
new FM station on Channel 278)
at Bethany Beach, Delaware)

RECEIVED

JUN 3 1992

To: The Honorable Richard L. Sippel
Administrative Law Judge

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

CONDITIONAL NOTICE OF APPEARANCE

EICHER COMMUNICATIONS, INC. ("Eicher"), pursuant to Section 1.221 of the Commission's Rules, 47 C.F.R. §1.221, hereby submits its notice of appearance in this proceeding.

1. Eicher has today joined in the filing of a "Joint Request for Approval of Settlement," which contains a Settlement Agreement that contemplates the dismissal of Eicher's application, in consideration of a reimbursement of expenses and approval of a Consulting Agreement. Hence, this Notice of Appearance is filed for the limited purpose of approval of the Settlement Agreement.

2. Eicher has previously filed its Hearing Designation Fee. See, Attachment 1 hereto. Accordingly, no hearing fee is required with this Notice of Appearance. 47 C.F.R. §1.221(g).^{1/}

^{1/} Eicher will request a refund of its Hearing Designation Fee upon approval of the Settlement Agreement and dismissal of its application. The Settlement Agreement has been timely filed for purposes of refund because it has been filed by the deadline for notices of appearance in this case. 47 C.F.R. §1.221(c). See also, 47 C.F.R. §1.1111; Report and Order on Reform of the Comparative Hearing Process (Reconsideration), 6 FCC Rcd 3403 (1991) (Appendix A).

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Listed CODE

- 2 -

Respectfully submitted,

EICHER COMMUNICATIONS, INC.

By: 

Stephen Diaz Gavin

BESOZZI & GAVIN

1901 L Street, N.W.

Suite 200

Washington, D.C. 20036

(202) 293-7405

Its Counsel

Dated: June 3, 1992
0745/notice.mot

ATTACHMENT 1

Law Offices
BESOZZI & GAVIN
1901 L Street, N.W., Suite 200
Washington, D.C. 20036

Stamp - in

Stephen Diaz Gavin
(Admitted in Pennsylvania)

(202) 293-7405
Telecopier: (202) 457-0443

July 12, 1991

VIA FEDERAL EXPRESS

Federal Communications Commission
c/o Mellon Bank
Three Mellon Bank Center
525 William Penn Way
27th Floor Room 153-2713
Pittsburgh, Pennsylvania 15251

REC'D JUL 18

Re: Eicher Communications, Inc.
File No. BPH-910213MF
Bethany Beach, DE FM Station

Dear Sir or Madam:

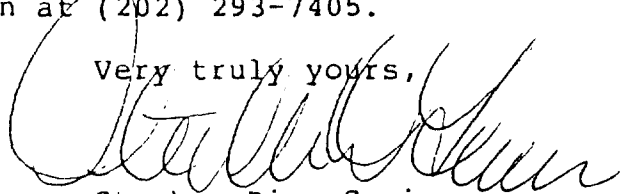
Eicher Communications, Inc. ("Eicher"), through its counsel, hereby submits its hearing fee, as required by the Commission's Memorandum Opinion and Order, 6 FCC Rcd ____ (1991) [FCC 91-154, released May 15, 1991].

Eicher's Form 301 Application for new station at Bethany Beach, Delaware has been accepted for filing, Report No. NA-147, released May 13, 1991. The application has not yet been designated for hearing.

Pursuant to Section 1.1104 of the Commission's Rules, Eicher has included a check made payable to the Federal Communications Commission in the amount of \$6,760.00, which is the Commission's specified hearing fee for new FM applications. 47 C.F.R. §1.1104.

If there are any questions concerning this matter, please contact Stephen Diaz Gavin at (202) 293-7405.

Very truly yours,



Stephen Diaz Gavin
Counsel to Eicher Communications,
Inc.

Enclosure
cc: Elaine C. Eicher
Public File

FEDERAL COMMUNICATIONS COMMISSION
FEE PROCESSING FORM

FOR
FCC
USE
ONLY

Please read instructions on back of this form before completing it. Section I MUST be completed. If you are applying for concurrent actions which require you to list more than one Fee Type Code, you must also complete Section II. This form must accompany all payments. Only one Fee Processing Form may be submitted per application or filing. Please type or print legibly. All required blocks must be completed or application/filing will be returned without action.

SECTION I

APPLICANT NAME (Last, first, middle initial)

EICHER COMMUNICATIONS, INC.

MAILING ADDRESS (Line 1) (Maximum 35 characters - refer to Instruction (2) on reverse of form)

18 Terrace Road

MAILING ADDRESS (Line 2) (If required) (Maximum 35 characters)

CITY

Rehoboth Beach

STATE OR COUNTRY (If foreign address)

DE

ZIP CODE

19971

CALL SIGN OR OTHER FCC IDENTIFIER (If applicable)

File No. 910213MF

Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in FCC Fee Filing Guides. Enter in Column (B) the Fee Multiple, if applicable. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number entered in Column (B), if any.

	(A) FEE TYPE CODE	(B) FEE MULTIPLE (if required)	(C) FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY
(1)	M W R	0 0 0 1	\$ 6,760.00	

SECTION II — To be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee Type Code.

	(A) FEE TYPE CODE	(B) FEE MULTIPLE (if required)	(C) FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY
(2)			\$	
(3)			\$	
(4)			\$	
(5)			\$	
ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) THROUGH (5), AND ENTER THE TOTAL HERE. THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE.			TOTAL AMOUNT REMITTED WITH THIS APPLICATION OR FILING \$ 6,760.00	FOR FCC USE ONLY



THE RESERVE FUND

ELAINE C EICHER &
JOHN P EICHER JTEN
196-56-823

194

DATE July 11 19 91

1-12/210

AY TO THE
ORDER OF

Federal Communications Commission

\$ 6760.00

Six thousand seven hundred sixty and

PAYABLE THROUGH

NOT VALID IF DRAWN FOR LESS THAN \$500

CHEMICAL BANK

11 West 51st Street
New York, N.Y. 10019

Hearing Fee BPH 910213 MF

Elaine Eicher

⑈0019656823⑈ ⑆021000128⑆ 700⑈074651⑈ 0194

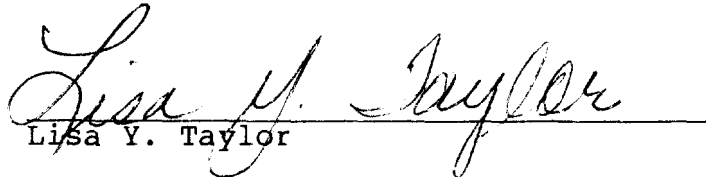
CERTIFICATE OF SERVICE

I, Lisa Y. Taylor, a secretary in the law firm of Besozzi & Gavin, do hereby certify that I have, on this 3rd day of June, 1992, sent the foregoing "CONDITIONAL NOTICE OF APPEARANCE" by hand delivery, to the following:

The Honorable Richard L. Sipple
Administrative Law Judge
Federal Communications Commission
2000 L Street, N.W., Room 214
Washington, D.C. 20554

Larry A. Miller, Esquire
Federal Communications Commission
2025 M Street, N.W. Room 7212
Washington, D.C. 20554

Dennis P. Corbett, Esquire
Leventhal Senter & Lerman
2000 K Street, N.W. Suite 600
Washington, D.C. 20006
Counsel to Jeffery Scott


Lisa Y. Taylor